

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA  
MUSKOGEE DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION NO.
	:	6:21-CR-198-RAW
JIMMY NACE	:	

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NOTICE TO IMPEACH

Pursuant to Rule 609 of the Federal Rules of Evidence, Counsel hereby provides notice that he intends to impeach a government witness with prior convictions. Fed. R. Evid. 609. Counsel anticipates the government will call as a witness Matthew Vermillion. Mr. Vermillion has the following prior convictions that are subject to use as impeachment evidence:

Pittsburg County	3/31/1999	F-1999-00070	Stealing of motor vehicle	Guilty plea;
Pittsburg County	5/26/2009	CM-2009-00476	Domestic abuse – assault and battery	Guilty; 6 months with PSCO
Pittsburg County	9/22/2010	CF-2010-00381	Endeavoring to manufacture meth	Guilty plea; 5 years probation
Pittsburg County	01/06/2012	CF-2010-381	Manufacture of CDS/Poss material w/intent to manufacture	Convicted; probation revoked, 180 days confinement, 2 years 180 days probation (release to probation 2/8/2012)

Pittsburg Sheriff's Office	8/6/2019		First degree murder	Guilty of accessory to crime; 5 years prison, 10 years probation
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The probative value of these convictions, supported by specific facts and circumstances, substantially outweighs its prejudicial effect. Fed. R. Evid. 609(b)(1). The victim in this case was found dead in a cemetery in 2019. Law enforcement interviewed Matthew Vermillion during their investigation. Mr. Vermillion said that he had nothing to do with the victim's death. On at least two other occasions, Mr. Vermillion said he knew nothing of the victim's death. After hearing that his son-in-law, who was involved in the murder, told a story about the crime, Mr. Vermillion gave a statement to law enforcement and reached a cooperation agreement with the government. There is reason to question Mr. Vermillion's veracity, and his criminal history is one method of impeaching this witness.

Dated: This 7th day of February, 2022.

Respectfully submitted,

/s/ J. Wesley Bryant

J. WESLEY BRYANT  
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice to Impeach has been formatted in Times New Roman 14 point, in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

T. Cameron McEwen  
Assistant United States Attorney  
Eastern District of Oklahoma  
520 Denison Ave  
Muskogee, OK 74401

Dated: This 7th day of February, 2022.

/s/ J. Wesley Bryant  
J. WESLEY BRYANT  
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